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09/587,524	06/05/2000	Muro Costa	3-1-3	7397

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EXAMINER

AFSHAR, KAMRAN

ART UNIT PAPER NUMBER

2681

DATE MAILED: 12/17/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/587,524

Applicant(s)

COSTA ET AL.

Examiner

Kamran Afshar, 703-305-7373

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 5-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

1. Applicant's arguments with respect to claims 1, 5-13 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 5-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sayers (U. S. patent 6,539,237 B1).

With respect to claims 1, 13, Sayers discloses a method of establishing a transmission to mobile station via a radio network (See e.g. Co. 1, Lines 44-49, Co. 3, Lines 50-56 & bi-directional communication between network elements of Figs. 1-, 4), providing a paging message to the mobile station (See e.g. flow chart of Figs. 9-11, Co. 19, Lines 15-53); providing an indication of a radio service requirement to the mobile station, wherein paging message comprises the indication of the radio service requirement, wherein radio service requirement comprises an indication of a desired amount of at least a first network resource (See e.g. Co. 22, Lines 4-20, Flow char of Fig. 12 & Entire Document).

Regarding claims 5, 14, Sayers discloses the indication of the radio service requirements comprises properties of the cell capable of fulfilling the radio service requirement (See e.g. Co. 9, Lines 46-58, Co. 22, Lines 4-20, Flow char of Fig. 12).

Regarding claims 6, 15, Sayers discloses the indication of the radio service requirements comprises the required bandwidth of a cell (See e.g. Co. 9, Lines 46-58, Co. 22, Lines 4-20, Flow char of Fig. 12).

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Regarding claims 7, 16, Sayers discloses the indication of the radio service requirement comprises the radio service requirement (See e.g. Co. 9, Lines 46-58, Co. 22, Lines 4-20, Flow char of Fig. 12).

Regarding claims 8, 17, Sayers discloses the indication of the radio service requirements comprises at least a portion of at least one access value (See e.g. Co. 4, Lines 5-35, Co. 9, Lines 46-58, Co. 22, Lines 4-20, Flow char of Fig. 12).

Regarding claims 9, 18, Sayers discloses the mobile station returns the at least one access value to the radio network on an access channel (See e.g. Co. 4, Lines 5-35, Co. 9, Lines 46-58, Co. 22, Lines 4-20, Flow char of Fig. 12).

Regarding claims 10, 19, Sayers discloses the access channel is a random access channel (See e.g. Co. 4, Lines 5-35, Co. 9, Lines 46-58, Co. 22, Lines 4-20, Flow char of Fig. 12).

Regarding claims 11, 20, Sayers discloses the radio network comprises cells (See e.g. Co. 1, Lines 44-49, Co. 3, Lines 50-56 & bi-directional communication between network elements of Figs. 1-, 4), and only cells capable of meeting the radio service requirement are measured in order to select one of them for use in the transmission (See e.g. Co. 4, Lines 5-35, Co. 9, Lines 46-58, Co. 22, Lines 4-20, Flow char of Fig. 12).

Regarding claim 12, Sayers discloses the mobile station uses the indication of the radio service requirement when making access to the radio network (See e.g. Co. 4, Lines 5-35, Co. 9, Lines 46-58, Co. 22, Lines 4-20, Flow char of Fig. 12).

### **Conclusion**

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (703) 305-7373. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached @ (703) 305-4040. The fax number for the organization where this application or proceeding is assigned is (703) 872-9314 for all communications.

  
Kamran Afshar

  
**SINH TRAN**  
**PRIMARY EXAMINER**